

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KEVIN HUGHES and CRYSTIE KILGER,
on behalf of themselves and all others
similarly situated,

Plaintiffs,

-against-

GETRONICS WANG LLC;
GETRONICS USA, INC.; and
GETRONICS FLEXIBLE SOLUTIONS,
LLC,

Defendants.

NOTICE OF MOTION FOR
DETERMINATION THAT
THIS ACTION IS NOT
APPROPRIATE FOR
CERTIFICATION AS A
CLASS OR COLLECTIVE
ACTION

Civil Action No.:07 CV 10356

Kaplan, J.

Katz, M.J.

TO: JUSTIN M. SWARTZ, ESQ.
OUTTEN & GOLDEN
ATTORNEYS FOR PLAINTIFFS
3 Park Avenue, 29th Floor
New York, New York 10016

RICHARD J. (REX) BURCH, ESQ.,
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Houston, Texas 77002

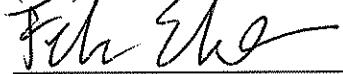
PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in
Support of Defendant's Motion to Dismiss, and the accompanying Affirmation of Felice B.
Ekelman and Exhibits thereto, Defendants will move this Court at such date as the Court deems
proper, before the Honorable Lewis A. Kaplan, Southern District Court, United States
Courthouse, 500 Pearl Street, New York, New York 10007 for an order determining that this case
is not suitable for class or collective action certification, dismissing the class and collective
action allegations contained in the Complaint, and for such other and further relief as this Court
may deem just and proper.

Dated: New York, New York
April 28, 2008

Respectfully submitted,

JACKSON LEWIS LLP
ATTORNEYS FOR DEFENDANT
59 Maiden Lane
New York, New York 10038
(212) 545-4000

By:

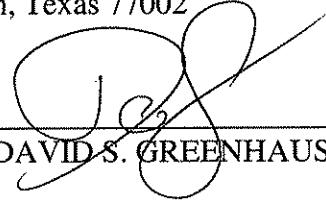

FELICE B. EKELMAN (FE-5692)
DAVID S. GREENHAUS (DG-0466)

CERTIFICATE OF SERVICE

I hereby certify that on April 28, Defendant's **NOTICE OF MOTION FOR DETERMINATION THAT THIS ACTION IS NOT APPROPRIATE FOR CERTIFICATION AS A CLASS OR COLLECTIVE ACTION** was filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, and/or the Southern District's Local Rules, and/or the Southern District's Rules on Electronic Service upon the following parties and participants:

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